

SSA 64-0101

OGC 64-0051a

OGC Has Reviewed

MEMORANDUM FOR: Chief, Audit Staff

SUBJECT: Home Leave and Home Leave Travel  
Entitlements - [ ] 4407, dtd 6 Jan 64

STATINTL

1. This is in reply to your memorandum of 8 January which requests advice concerning the eligibility of an employee for home leave and home leave travel expenses. The facts are that the employee was assigned PCS [ ] on 20 July 1959, departed [ ] on 8 July 1962 for the United States where he was on annual leave, and returned [ ] on 9 September 1962. It is now intended that he return PCS to Washington about 1 February 1964. The question is as to his right to be granted home leave and to be compensated for home leave travel expenses.

STATINTL

2. The statute from which home leave derives, namely, the Annual and Sick Leave Act of 1951, as amended by the Overseas Differentials and Allowances Act, authorizes the granting of home leave to officers and employees upon their "completion of 24 months of continuous service outside the United States." The present question therefore depends primarily on whether the two months' annual leave taken in the United States in 1962 breaks the continuity of service outside the United States. The controlling regulation (5 CFR 30.603), issued by the Civil Service Commission, provides that creditable service abroad includes "authorized leave with pay." The quoted language makes no point as to where the "leave with pay" is taken. We have discussed the question with representatives of the Civil Service Commission and the General Accounting Office and both advise that no distinction is drawn between leave taken in the United States and leave taken elsewhere. Insofar as this point is concerned, therefore, it would be proper to authorize home leave for this individual. Your

attention is invited, however, to the general requirement that in the case of an employee returning to the United States PCS, home leave is to be available "when it is contemplated that he will return to service abroad immediately or on completion of an assignment in the United States."

[Redacted]

[Redacted]

Associate General Counsel

cc: IG  
Chief, EE Division